

**REMARKS**

Claims 1-4, 6-13, 15-18, and 20-23 remain for reconsideration. Claims 5, 14 and 19 have been cancelled.

The Drawings have been objected to under 37 C.F.R. 1.83(a) because they fail to show the “actuator” as described in the specification. The Examiner has required corrected drawings. This objection is respectfully traversed. The “actuator” is clearly shown for example, in Figure 4 as item number 418. Paragraph [0044] of the specification states: “...*the high bandwidth controller mode may be used to supply more energy to an actuator, such as the sled TEC 418...*” (emphasis added). Thus, the actuator recited in the claims is described in the specification as well as properly identified and numbered in the Figures. As such, it is respectfully requested that this objection be withdrawn.

The specification has been objected to for failing to provide proper antecedent basis for the claimed subject matter. The Examiner has stated that the specification refers to the TEC as being an actuator and the claims refer to the TEC as being the tuning element. In response, claims 2 and 16 have been amended to change “tuning element” to “actuator” and claim 14 has been cancelled. Applicants thank the Examiner for noting this typo in the claims as

filed.

Claims 5 and 19 have been objected to as being of improper dependent form. These claims have been cancelled.

With regard to the prior art rejections, they stand as follows:

1. Claims 1-7, 9-21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 6,661,814 to Chapman in view of US Published application 2002/0145955 to Turner.
2. Claims 8 and 22 stand rejected under § 103(a) as being unpatentable over Chapman and Turner, as above, further in view of US Published application 2002/0075918 to Crowder.

Both of these rejections rely on USP 6,661,814 to Chapman assigned along with the present application to Intel Corporation and should be disqualified as prior art under § 103(c).

Statement of Common Ownership

The present Application, Serial No. 10/659,958, and U.S. Patent 6,661,814 to Chapman et al. were, at the time the invention of Application Serial No. 10/659,958 was made, owned by Intel Corporation.

As stated in 35 U.S.C. § 103(c)(1), this commonly-owned subject matter of Chapman et al. "shall not preclude patentability" of the currently claimed invention. Thus, the § 103(a) rejections of all pending claims should be withdrawn.

In view of the foregoing, it requested that the application be reconsidered, that claims 1-4, 6-13, 15-18, and 20-23 be allowed and that the application be passed to issue. Please charge any shortages and credit any overcharges to Intel's Deposit Account number 50-0221.


Respectfully submitted,

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